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PTO/SB/33 (07-05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): MFCP.087507

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Application Number	Filed
09/557,738	April 25, 2000

First Named Inventor: Kevin B. Gjerstad, et al.

Art Unit	Examiner
2176	Peter J. Smith

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Registration number 54,851
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Monplaisir Hamilton
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March 28, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/557,738	Confirmation No. 9935
Applicant	:	Kevin B. GJERSTAD *et al.*	
Filed	:	April 25, 2000	
Group Art Unit:		2176	
Examiner	:	Peter J. Smith	
Title	:	COMMON TEXT FRAMEWORK	
Docket No.	:	MFCP.87507	
Customer No.	:	45809	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

This is a Notice of Appeal from a final Office Action dated December 21, 2006, rejecting claims 1-5, and 20-26. These claims having been at least twice rejected. No amendments are being filed with this request. Applicants, file this Notice of Appeal, along with a Pre-Appeal Brief Request For Review. The Commissioner is hereby authorized to charge any additional fee that may be due, or credit any overpayment, to Deposit Account No. 19-2112.

Remarks begin on page 2 of this paper.

REMARKS

Status of Claims

Claims 1-5 and 20-26 are twice rejected claims. Claims 1-5 have been rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,946,499 to Saunders (hereinafter "Saunders") in view of U.S. Patent No. 6,466,240 to Maslov (hereinafter "Maslov") and U.S. Patent No. 5,109,439 to Froessl (hereinafter "Froessl"). Claims 20, 21 and 22-26 have been rejected under 35 U.S.C. §103(a) over Saunders in view of Froessl. Applicants earnestly solicit reconsideration and allowance of the claims in view of the following remarks.

Factual Deficiencies

The Office Action failed to provide adequate factual basis to support the alleged prima facie case for obviousness for claims 1-5 and 20-26.

The prior art, including Saunders, Maslov and Froessl fail to teach or suggest, among other things a text store interface having "a text stream interface in which the abstraction of the document appears as an array, a position within the document represented as an offset from a beginning of the array, a dynamic text interface in which the abstraction of the document is such that a position within the document is represented as a floating anchor to a node, and a text processor input method for attaching a property to the document in at least one position in the document, wherein the property preserves originally entered data."

With respect to claims 1 and 22, the Office Action contends that Saunders discloses a text store interface having, among other things a text stream interface in which the abstraction of the document appears as an array, a position within the document represented as an offset from a beginning of the array. The Office Action cites Saunders Fig.1, 4a, 4b and col. 7, lines 18-32 to support its contention that the abstraction of the document is an array having positions of the document that are represented as offsets from a beginning of the array. Although Saunders column 3, lines 56 generally discloses an array data structure Saunders fails to disclose or suggest the details of how the array is structured to represent positions in the document. Instead Saunders, column

7, lines 20-30 discloses position-to-offset and offset-to-position operations that allow text services to be completely independent from the manner in which the application program lays out the text and rather allows the mapping of changes to the device dependent location of the text. The operations map a device position to an offset within the text of a reserved portion. By way of context, Saunders, column 6, lines 30-31 expressly discloses that a region is reserved before any operation is performed on the region by the text service. Furthermore, Saunders, column 6, lines 40-41 discloses that the regions relate to portions of a document like paragraphs, words, highlighted sections, etc. Additionally, Saunders, column 6, lines 44-47, discloses that the specified region is then exchanged as a text object, which is an opaque data structure. At best, Saunders utilizes the opaque data structure, such as an array to provide an offset that represents a position within a reserved region of text, such as a paragraph, and the position-to-offset and offset-to-position operations are utilized to map a device to a location in the reserved region. Unlike, Saunders the claimed embodiment utilizes an offset to the beginning of an array to represent a position within the document not a position within a reserved portion or segment of the document as disclosed by Saunders in column 7, lines 1-30. Accordingly, Saunders is factually deficient with respect to the claimed text stream interface that requires exposing an abstraction of the document, where the abstraction is an array that utilizes offsets from the beginning of the array to represent a position in the document.

Even if Saunders discloses the claimed text stream interface of claims 1 and 22, the Office Action does not provide a reference that discloses or suggests a text store interface having, among other things, a dynamic text interface in which the abstraction of the document is such that a position within the document is represented as a floating anchor to a node. The Office Action concedes that Saunders fails to disclose the dynamic text interface and cites Maslov to provide the missing limitation. The Office Action cites Maslov col. 2, lines 62-col. 3, lines 17 and col. 3, lines 26-44 to support its contention that the a dynamic text interface that provides an abstraction of the document having a position represented by a floating anchor to a node. While Maslov discloses a tree structure having nodes, Maslov is directed to synchronizing a first display having a tree and a second display having structured text. Maslov, column 3, lines 45-55 discloses

various visual operations that may be performed on the tree, but fails to indicate the relationships between the node and positions within the document. In the claimed embodiment, the floating anchor nodes exposes a position within a document, unlike Maslov, which synchronizes content on two windows. Maslov does not mention the word position anywhere in the disclosure and fails to provide a floating anchor that tracks positions within the document. Rather Maslov, column 4, lines 20-40 discloses selecting a node in the first window and highlighting the corresponding programming text.

Even if the combination of Maslov and Saunders is proper, the Office Action fails to disclose or suggest, among other things, attaching a property to the document in at least one position in the document, wherein the property preserves originally entered data as claimed in claims 1, 20, and 23. The Office Action cites Saunders for disclosing a text processor input method that attaches a property in at least one position in the document but concedes that Saunders fails to disclose that the property preserves originally entered data in order to facilitate text correction. Despite the Office Action's characterization of the reservation identifier, the reservation identifier disclosed by Saunders cannot be preserved in a position within the document because Saunders column 4, lines 15-18 expressly discloses that the data structure that represents the document is destroyed after operations are completed on the document. The Office Action attempts to equate the reservation identifier disclosed by Saunders to the claimed property. This is improper because the reservation identifier indicates whether a range of text is being accessed by another text service. Additionally, the reservation identifier differs from the property because the reservation identifier is not attached to a position in the document. At best, Saunders, column 4, lines 15-30 and column 6, lines 30-40 and 55-60 discloses that the reservation identifier is associated with the TSM context data structure which is attached to the TSM document data structure that is destroyed after completing an operation on the reserved text. Nothing in Saunders discloses attaching the property to a position in the document. Rather Saunders, column 6, lines 65-67 discloses that the reservation identifier is a Boolean identifier that indicates availability of specified region. The Office Action attempts to modify the reservation identifier, a Boolean identifier to be similar to the claimed property that preserves original data by citing Froessl, column 7, lines 65-

column 8, lines 5. In operation, Froessl, column 3, lines 60-65, column 5, lines 15-30, column 8, lines 1-5 disclose scanning a document and storing an image of the document in temporary memory and converting either selected portions or the entire document to ASCII code based on optical character recognition operations and storing the ASCII in permanent storage. Froessl further discloses an identifier is utilized to associate the ASCII and the image such that when a flag is triggered a human reader may perform corrections based on the image stored in temporary memory. Although Froessl discloses preserving original data, Froessl fails to attach a property that preserves the original data in the document. Rather Froessl associates image data and the ASCII based on the identifier that correlates the ASCII and image data that is stored in temporary memory. Unlike Froessl, the claimed embodiment attaches the property to a position in the document and the property preserves the original data to facilitate correction.

Legal Deficiencies

Accordingly, the Office action failed to provide a prima facie case for obviousness because of the noted factual deficiency with respect to combining Froessl, Maslov and Saunders. All the requirements of the claimed embodiments are not disclosed or suggested by the combination of Froessl, Maslov and Saunders. Furthermore, Saunders, column 5, lines 15-18 discloses destruction of the document data structure, which teaches away from modifying the reservation identifier to preserve originally entered data. Thus the rejection of claims 1-5 and 16-20 should be with drawn. Applicants respectfully request that this application be allowed and passed to issue.

Respectfully submitted,

Date: March 28, 2006

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